

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BAK USA TECHNOLOGIES CORP.,

Plaintiff,

v.

ELITEGROUP COMPUTER SYSTEMS,  
INC.,

Defendant.

Case No. [18-cv-05744-MMC](#)

**ORDER DENYING DEFENDANT'S  
MOTION FOR INTRADISTRICT  
TRANSFER; VACATING HEARING**

Re: Dkt. No. 16

Before the Court is defendant's "Unopposed Motion for Intradistrict Transfer," filed October 26, 2018, in which it seeks a transfer of the above-titled action from the San Francisco Division to the Oakland Division of this District. Having read and considered the papers filed in support of the motion,<sup>1</sup> the Court hereby finds the matter suitable for decision thereon, VACATES the hearing scheduled for November 30, 2018, and rules as follows:

1. To the extent defendant argues the instant case "belongs" in the Oakland Division (see Def.'s Mot. at 3:4-9), the Court disagrees, as a civil action that, as here, arises in Alameda County is properly assigned to either the San Francisco or Oakland Division. See Civil L.R. 3-2(d) (providing civil actions that "arise in" Alameda County "shall be assigned to the San Francisco Division or the Oakland Division").

2. To the extent defendant argues it would be more convenient for the parties and witnesses, and in the interests of justice, if the case were transferred to the Oakland

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<sup>1</sup>Plaintiff has indicated it "will not oppose the motion to transfer." (See Tsai Decl. Ex. B.)

1 Division, see 28 U.S.C. § 1404(a), the Court disagrees, given the close proximity of the  
2 courthouses in the two Divisions and there being no showing that any witness would face  
3 any difficulty or hardship if he/she were required to appear for trial or other proceeding in  
4 San Francisco. See Safarian v. Maserati North America, Inc., 559 F. Supp. 2d 1068,  
5 1072 (C.D. Cal. 2008) (denying motion for intradistrict transfer, where there was "only a  
6 modest distance" between courthouses in the subject Divisions and "the convenience of  
7 the parties and witnesses [did] not strongly favor one Division over the other").

8 Accordingly, the motion is hereby DENIED.

9 **IT IS SO ORDERED.**

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11 Dated: November 6, 2018

  
MAXINE M. CHESNEY  
United States District Judge